

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY ENTERTAINMENT, *et al.*,

*Plaintiffs,*

v.

COX COMMUNICATIONS, INC., *et al.*,

*Defendants.*

Case No. 1:18-cv-00950-LO-JFA

**DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO ANSWER OR  
OTHERWISE RESPOND TO PLAINTIFFS' COMPLAINT**

1. Pursuant to Rule 4(m), 6(b)(1)(A), and 12(a)(1) of the Federal Rules of Civil Procedure, Defendants Cox Communications, Inc. and CoxCom, LLC (collectively, "Cox"), by counsel, respectfully move for a 30-day extension of the deadline to Answer or otherwise respond to Plaintiffs', Sony Music Entertainment, et al., (collectively "Sony"), Complaint in the above-captioned matter. After a good-faith effort to confer, Defendants have waited a week for Plaintiffs' counsel to respond to their latest request for an extension and assumed that Plaintiffs would agree to some extension in the circumstances. Defendants respectfully request that the Court rule on this Motion by August 22, 2018 and are thus waiving oral argument. On August 15, 2018 Defendants met and conferred with Plaintiffs. Both parties agreed to waive oral argument on the motion and have the issue decided on the papers. The motion is made on the following grounds:

2. Plaintiffs filed the Complaint in this matter on July 31, 2018, and Defendants accepted service on August 2, 2018. Dkt. No. 1.

3. Accordingly, August 23, 2018 is the current deadline for Defendants to respond to Plaintiffs' Complaint.

4. Defendants respectfully request a 30-day extension of time to respond to Plaintiffs'

Complaint up to September 22, 2018.

5. Defendants and their counsel at Winston & Strawn, LLP are less than two weeks away from a multi-week trial before Your Honor beginning on August 28, 2018 in *BMG Rights Management LLC, et al., v. Cox Communications, Inc., et al.*, Case No. 1:14-cv-01611-LO-JFA.

6. Given the trial preparations in the *BMG* action and the numerous allegations and 59 Plaintiffs in the Complaint in this action, Defendants request additional time in which to analyze, investigate, and prepare its response to the Complaint.

7. A 30-day extension would allow Defendants to file an answer roughly ten days after the trial in the *BMG* action concludes.

8. Despite alleging infringement dating back more than five years, from February 2013 to November 2014, and sitting on those claims for years, Plaintiffs refuse to extend the courtesy of any extension of the time to respond to the complaint. Dkt. No. 1.

9. Defendants' counsel has contacted Plaintiffs' counsel in an effort to confer and jointly agree upon a reasonable extension of time, via both email and telephone, between August 3 and August 10. *See* Declaration of Michael S. Elkin ¶¶ 4-6.

10. Defendants originally requested a 60-day extension. Plaintiffs initially indicated that they would agree to an extension of time to respond to the Complaint only in exchange for Defendants' agreement regarding the scope of their document production in this action, and specifically that Defendants would agree to produce all documents that were produced in the *BMG* case, despite the fact that *BMG* is not a party to the instant action. *Id.* at ¶ 5. Defendants responded that they were not prepared to reach such an agreement at this early stage given the issues that this request raised, including the issue of the relevance of the requested documents to this action. *Id.* Plaintiffs would only agree to slightly reduce their demand for documents but still demanded

agreement regarding production of documents in the *BMG* case in exchange for an extension. *Id.*

11. Defendants asked whether Plaintiffs were prepared to grant any reasonable extension of time to respond to the Complaint without such concessions. Five-days later, on August 15, 2018, Plaintiffs' counsel denied Defendants' request, refusing to agree to any extension. *Id.* at ¶ 6.

12. Given the impending trial and approaching deadline, Defendants file this motion seeking a 30-day extension of time to respond to the Complaint.

WHEREFORE, Defendants respectfully request that this Court grant its Motion to allow Defendants until September 22, 2018 to file an Answer or otherwise respond to Plaintiffs' Complaint.

Dated: August 15, 2018

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on August 15, 2018, a copy of the foregoing DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFFS' COMPLAINT was filed electronically with the Clerk of Court using the ECF system which will send notifications to ECF participants.

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